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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

Outgoing  
C0070039  
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March 2, 2009

Erwin Sass, General Manager  
Canyon Fuel Company, LLC  
P.O. Box 1029  
Wellington, Utah 84542

Subject: Chapter 3- Raptor Survey Revisions, Canyon Fuel Company, Dugout Canyon Mine,  
C/007/0039, task # 3218

Dear Mr. Sass:

The Division of Oil, Gas and Mining (the Division) has reviewed your application to update the raptor survey information in the Mining and Reclamation Plan for Dugout Canyon Mine.

The Division has identified deficiencies that must be addressed before a determination can be made that the requirements of the R645 Coal Mining Rules have been met, and final approval granted. Those deficiencies are listed as an attachment to this letter.

As this amendment deals only with biological concerns, Ingrid Wieser (IW) is the sole Division reviewer. Feel free to contact Ms. Wieser (801) 538-5318 with any questions or concerns you may have relative to the deficiencies that she has identified with the amendment.

Your application is being returned. Please resubmit the entire application with the deficiencies addressed.

Sincerely,

James D. Smith  
Permit Supervisor

JDS/SKC/ss

Enclosure

Cc: Price Field Office

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**Deficiency List**  
**Task No. #3218**  
**Chapter 3- Raptor Survey Revisions**

Ingrid Wieser (IW)  
(801) 538-5318

**R645-301-322, -333, -342, and -358:** Regarding the change on page 3-20 of the M&RP, second full paragraph, surveys should be conducted on all areas containing suitable raptor habitat that could be affected by subsidence or surface disturbances. Surveys need to include *all* nests previously identified by the DWR regardless of “inactive” or “not surveyed” status *if* the nest(s) are within an active subsidence zone or adjacent to active surface disturbance (at least ½ mile). The surveys must be conducted in the spring in order to record activity, and *prior* to potential subsidence in order for the Permittee to consult with the Division to determine a protection plan if a nest could be subsided. Please include this information in the raptor survey description. (IW)

Regarding the Change on Page 3-4 of the Refuse Pile Amendment, in the event that new construction is necessary and will occur during the raptor exclusionary period, a survey must be conducted prior to construction in order for the Division to assist in creating a protection or mitigation plan if an active nest is found. (IW)

Regarding the change on page 3-6 of the Degassification Well Amendment, the surveys need to include the areas adjacent to the well pads (at least ½ mile) because of the visual and audible disturbance associated with the wells. The survey must include nests that the DWR previously listed as “inactive” or “not surveyed” if the nests are within ½ mile of the operating wells. (IW)